

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Henry Oliver	Team: Squad #13	CCRB Case #: 201808518	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/23/2018 12:00 PM	Location of Incident: [REDACTED]	Precinct: 102	18 Mo. SOL 9/23/2019	EO SOL 9/23/2019	
Date/Time CV Reported Mon, 10/15/2018 10:45 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 10/15/2018 10:45 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Miguel Leon	10222	925607	102 PCT
2. LT Joseph Cornier	00000	932492	102 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Bill Frawley	02164	960556	102 PCT
2. POM Moises Roman	11974	942876	102 PCT
3. POM Jose Velasquez	12426	951382	102 PCT
4. POM Anthony Misuraca	14713	960950	102 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Miguel Leon	Discourtesy: Police Officer Miguel Leon spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Miguel Leon	Off. Language: Police Officer Miguel Leon used offensive language regarding § 87(2)(b) [REDACTED]'s perceived mental health.	[REDACTED]
C.POM Miguel Leon	Force: Police Officer Miguel Leon used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Miguel Leon	Force: Police Officer Miguel Leon hit § 87(2)(b) [REDACTED] against a wall.	[REDACTED]
E.LT Joseph Cornier	Abuse: Lieutenant Joseph Cornier forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]

Case Summary

On October 15, 2018, § 87(2)(b) filed this complaint online with the CCRB.

On March 23, 2018, at approximately 12:00 p.m., Police Officer Jose Velasquez, Police Officer Moises Roman, Police Officer Miguel Leon, Police Officer Bill Frawley, Lieutenant Joseph Cornier, and Police Officer Anthony Misuraca, of the 102nd Precinct, arrived at the § 87(2)(b) in Queens in regards to a dispute taking place between § 87(2)(b) and a group of firefighters. PO Leon allegedly used discourteous language (**Allegation A: Discourtesy;** § 87(2)(g)), used offensive language regarding § 87(2)(b)'s mental health (**Allegation B: Offensive Language;** § 87(2)(g)), pushed § 87(2)(b) onto the ground (**Allegation C: Force;** § 87(2)(g)), and slammed him against a brick wall (**Allegation D: Force,** § 87(2)(g)). Lieutenant Cornier forcibly removed § 87(2)(b) to § 87(2)(b) (**Allegation E: Abuse of Authority;** § 87(2)(g)).

§ 87(2)(b) was arrested for criminal mischief in the fourth degree. § 87(2)(b) was found guilty and sentenced to time served.

There is no video evidence in this case.

Allegation (A) – Discourtesy: Police Officer Miguel Leon spoke discourteously to § 87(2)(b)

Allegation (B) – Offensive Language: Police Officer Miguel Leon used offensive language regarding § 87(2)(b)'s perceived mental health.

It is undisputed that the officer arrived after § 87(2)(b) stabbed the tire of firefighter § 87(2)(b)'s personal vehicle with a large knife. It is also undisputed that it was the firefighters who called 911 and requested officers to the location.

§ 87(2)(b) said that two officers, identified via investigation as PO Roman and PO Velasquez, arrived to the location, removed the knife from his possession without incident, and placed him in handcuffs (BR 01). PO Leon arrived to the location, searched § 87(2)(b) incident to arrest, asked him, “Who the fuck do you think you are?,” and called § 87(2)(b) a “fucking nut-case.” § 87(2)(b) told PO Leon to shut up. PO Leon replied, “This is no fucking conspiracy.”

Firefighter § 87(2)(b) said he was not present for this portion of the incident (BR 02).

PO Leon did not recall this incident (BR 03), but denied making the alleged discourteous and offensive statements to § 87(2)(b).

PO Roman, PO Velasquez, and PO Frawley denied hearing PO Leon make the alleged discourteous and offensive statements (BR 04, BR 05, and BR 06), and Lieutenant Cornier did not recall if he was present for this portion of the incident (BR 07).

§ 87(2)(g)

Allegation (C) – Force: Police Officer Miguel Leon used physical force against § 87(2)(b)

Allegation (D) – Force: Police Officer Miguel Leon hit § 87(2)(b) against a wall.

§ 87(2)(b) said that a firefighter was filming his interaction with PO Leon. § 87(2)(b) attempted to kick the camera away from the firefighter, and PO Leon pushed § 87(2)(b) who was already handcuffed, to the ground causing him to hit his jaw on the ground and dislocate it. PO Leon immediately lifted § 87(2)(b) from the ground and slammed his body, including his head, against the wall of a nearby deli. § 87(2)(b) denied doing anything with his body aside from kicking at the firefighter’s phone while interacting with PO Leon.

§ 87(2)(b) refused to sign HIPAA forms, which prohibited the investigation from obtaining § 87(2)(b)’s medical records to document his alleged injury. § 87(2)(b) also filed this complaint seven months after the incident date. Additionally, it took two months to identify and obtain statements from the firefighters who witnessed the incident. § 87(2)(g)

Firefighter § 87(2)(b) said he witnessed § 87(2)(b) attempt to perform a “jump kick” towards an unknown firefighter, in which both of his feet left the ground, causing him to fall to the ground (BR 08). § 87(2)(b) could not recall the actions PO Leon took to gain § 87(2)(b)’s compliance and § 87(2)(b) only recalled officers handcuffing § 87(2)(b) and § 87(2)(b) denied witnessing PO Leon push § 87(2)(b) to the ground, and denied witnessing PO Leon slam § 87(2)(b) against a wall.

PO Leon did not recall this incident, but denied pushing § 87(2)(b) to the ground and denied slamming § 87(2)(b) against a wall.

PO Roman said that § 87(2)(b)’s attempt to kick at a firefighter is what caused him to fall to the ground. PO Roman denied witnessing PO Leon slam § 87(2)(b) to the ground or against a wall.

PO Velasquez and PO Frawley acknowledged that officers made physical contact with § 87(2)(b) as he was being handcuffed and escorted towards EMS, but they could not describe the contact in detail and could not recall which officers were involved in these actions. PO Velasquez and PO Frawley denied witnessing PO Leon push § 87(2)(b) to the ground, and denied witnessing PO Leon slam § 87(2)(b) into a wall.

Lieutenant Cornier did not recall if he was present for this portion of the incident.

§ 87(2)(g)

Allegation (E) – Abuse of Authority: Lieutenant Joseph Cornier forcibly removed § 87(2)(b) to the hospital.

It is undisputed that § 87(2)(b) was removed to § 87(2)(b) against his will.

§ 87(2)(b) said PO Leon placed him in an ambulance, where he was restrained on a gurney. He spoke with EMTs once inside of the ambulance, but could not recall the details of the conversation. § 87(2)(b) was held in the psychiatric ward of § 87(2)(b) for § 87(2)(b). Once discharged, he was transported to Central Booking.

§ 87(2)(b)'s medical records were unavailable to the investigation due to § 87(2)(b)'s refusal to sign HIPAA forms.

§ 87(2)(b) and § 87(2)(b) believed § 87(2)(b) to be a threat to others. They based this belief on the fact that prior to the arrival of officers, § 87(2)(b) stabbed the tires of § 87(2)(b)'s vehicle completely unprovoked. A verbal dispute ensued, which led to the police ultimately being called. During that dispute, § 87(2)(b) spoke incoherently and stated that he hated white people and firefighters.

Lieutenant Cornier said PO Velasquez called him to verify § 87(2)(b)'s arrest, that § 87(2)(b) was categorized as an emotionally disturbed person, and that Lieutenant Cornier ultimately arrived on scene, but he could not recall whether § 87(2)(b) was still present, what § 87(2)(b) did that led to him being categorized as an emotionally disturbed person, and if he or PO Velasquez was the one who decided to remove § 87(2)(b) to the hospital.

Though Lieutenant Cornier, the Patrol Supervisor, did not recall if he was present at the location with § 87(2)(b) the incident is noted in his memo book (BR 09). Additionally, PO Frawley said that Lieutenant Cornier responded to the location, and was involved in both verifying § 87(2)(b)'s arrest and the decision to remove § 87(2)(b) to the hospital. Therefore, Allegation E is pleaded against Lieutenant Cornier.

PO Leon did not recall this incident.

PO Roman said that given the threats § 87(2)(b) made against the firefighters during the dispute and the damage he caused to § 87(2)(b)'s tire, he believed § 87(2)(b) to be a threat to others. Though PO Roman did not recall § 87(2)(b) injuring himself, § 87(2)(b)'s incoherent screaming, constant fidgeting, and noncompliance during the incident led him to believe that § 87(2)(b) was a threat to himself.

PO Velasquez said § 87(2)(b) went to the hospital regarding an injury he sustained during his interactions with FDNY firefighters, and that he was never made aware of § 87(2)(b) being removed for any other reason.

PO Frawley said § 87(2)(b) threatened to punch, kick, and kill the officers on scene, and that EMS was called regarding § 87(2)(b)'s disturbing behavior. PO Frawley traveled with PO

Leon and § 87(2)(b) to § 87(2)(b), and said § 87(2)(b) was admitted to the psychiatric ward.

AIDED #§ 87(2)(b), prepared by PO Velasquez, notes that § 87(2)(b) was considered to be an emotionally disturbed person, that he attempted to harm himself and others, and that he was unable to care for himself. The narrative describes that § 87(2)(b) made threats against others with a knife, and began hitting his head on a brick wall while in police custody (BR 09).

NYPD Patrol Guide, Procedure 221-13 states that an emotionally disturbed person, or one who appears to be mentally ill or emotionally deranged and is conducting himself in a manner in which a police officer reasonably believes is likely to result in serious injury to himself or others, may be taken into protective custody for the purpose of receiving psychiatric treatment (BR 10).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 - § 87(2)(b)
- PO Leon has been a member of service for 19 years, and has been a subject in 10 CCRB complaints and 14 allegations, of which one was substantiated:
 - 201005917 involved a substantiated allegation of discourtesy against PO Leon. The Board recommended instructions, which the NYPD imposed.
 - § 87(2)(g)
- Lieutenant Cornier has been a member of service for 15 years, and has been a subject in 10 CCRB complaints and 20 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On May 20, 2019, a Notice of Claim inquiry was submitted to the New York City Comptroller's Office. Its results will be added to the case file upon receipt (BR 12).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 13).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date